

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : George DeStefano, et al.) Art Unit: 1616
U.S. Appln. No. : 10/804,710) Examiner: HAGHIGHATIAN, Mina
Confirmation No. : 7531
U.S. Filing Date : 03/19/2004
Title of Invention : Formulation for a metered dose inhaler using hydro-fluoro-alkanes as
propellants
Attny. Docket No.: 9/277

Mail Stop Amendment
ELECTRONICALLY SUBMITTED VIA EFS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATION STATEMENT, FEE AUTHORIZATION & TRANSMITTAL
LETTER FOR SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Transmitted herewith concerning the subject application is an Information Disclosure Statement (Form 1449A/B) ("Statement") under 37 C.F.R. §§1.56 and 1.97, as more specifically described hereinbelow.

☐ INFORMATION PREVIOUSLY CITED OR SUBMITTED

U. S. Application No. ("the parent application") is relied on by the above-identified applicant for an earlier effective filing date under 35 U.S.C. 120 for the instant application. The patents, publications, pending U. S. applications, or other information listed in the Statement were previously cited by the Office in the parent application or submitted to the Office in the parent application in an information disclosure statement that complied with 37 CFR 1.98(a)-(c). 37 CFR 1.98(d)

☐ 1.97(b). This Statement is being filed: i) within three (3) months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53 (d); ii) within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; iii) before the mailing of a first office action on the merits; or iv) before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. §1.114.

☒ 1.97(c). This Statement is being filed after the time period specified in 37 C.F.R. §1.97(b), but before the mailing date of: i) a final action under 37 C.F.R. §1.113, ii) a notice of allowance under 37 C.F.R. §1.311, or iii) an action that otherwise closes prosecution in the application. This Statement is being accompanied by:

☐ A statement as specified in 37 C.F.R. §1.97(c) [see below]; or

☒ The fee set forth in 37 C.F.R. §1.17(p).

☒ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.97(d). This Statement is being filed after the period specified in 37 C.F.R. §1.97(c) but on or before payment of the issue fee. This Statement is accompanied by a statement as specified in 37 C.F.R. §1.97(e) [see below] and the fee set forth in 37 C.F.R. §1.17(p).

☐ 1.97(e).

☐ Each item of information contained in the Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the instant filing; or

☐ No item of information contained in the Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three (3) months prior to the instant filing.

☐ The fee set forth in 37 C.F.R. §1.17(p).

☐ The Commissioner is hereby authorized to charge payment of the \$180.00 fee set forth in 37 C.F.R. §1.17(p) to Deposit Account No. 02-2955.

☐ 1.704(d). Each item of information contained in the Statement was first cited in any communication from a foreign patent office in a counterpart application, which communication was not received by any individual designated in section 1.56(c) more than thirty (30) days prior to the instant filing.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. §1.16 and any patent application processing fees under 37 C.F.R. §1.17, or credit any overpayment of same, to Deposit Account No. 02-2955.

International Search Report and Non-English Language References

☐ An English-language search report or equivalent paper from a foreign patent office is provided.

☐ A foreign-language search report or equivalent paper from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

- P = intervening document
T = document cited to understand the theory or principle underlying the invention
E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date
D = cited in the application
L = cited for another reason
& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report:

In the search report, "Seite" means page, "Seiten" means pages, "Verbindungen der Formel" means Compounds of formula, "Beispiele" means examples, and "das ganze Dokument" means the entire document, "Spalte" means column, "Zeile" means line, "Abbildungen" means Figures, "Anspruch" means Claim, "Zusammenfassung" means abstract/summary, and "Tabelle" means table, and "Tabellen" means tables "in der Anmeldung erwachnt" means cited in the application, "Schema" means scheme, "und" means and, "Absatz" means paragraph, "abbildung" means figure, "Absendedatum" means date of dispatch, "Anmeldetag" means filing date, "Eintragungstag" means registration date, and Bekanntmachung im Patentblatt" means publication date in the official journal.

☒ These references have been provided in the accompanying Statement because they have been cited by patent offices outside the United States in the course of prosecution of applications which are counterparts to the above identified application or have been cited or been presented as arguments in applications pending before the Office that have subject matter related to the above-identified application.

Respectfully submitted,

/Anthony P. Bottino/

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